

1 Abran E. Vigil
2 Nevada Bar No. 7548
3 BALLARD SPAHR LLP
4 1980 Festival Plaza Drive, Suite 900
5 Las Vegas, Nevada 89135
6 Telephone: (702) 471-7000
7 Facsimile: (702) 471-7070
8 vigila@ballardspahr.com

9
10 Matthew D. Lamb
11 Nevada Bar No. 12991
12 BALLARD SPAHR LLP
13 1909 K Street NW, 12th Floor
14 Washington, D.C. 20006
15 Telephone: (202) 661-2200
16 Facsimile: (202) 661-2299
17 lambm@ballardspahr.com

18 *Attorneys for Capital One, National
19 Association; Rocktop Partners, LLC;
20 and Wilmington Savings Fund
21 Society, FSB, as Trustee of Stanwich
22 Mortgage Loan Trust A*

23 **UNITED STATES DISTRICT COURT**

24 **DISTRICT OF NEVADA**

25 **CAPITAL ONE, NATIONAL
26 ASSOCIATION, et al.,**

27 Plaintiffs,
28
vs.
1 SFR INVESTMENTS POOL 1, LLC, et
2 al.,
3 Defendants.

4 Case No. 2:17-cv-00604-RFB-NJK

5 Case No. 2:17-cv-00916-RFB-NJK

6 **STIPULATION TO EXTEND
7 DISPOSITIVE MOTION DEADLINE**

8 **[THIRD REQUEST UNDER
9 CURRENT SCHEDULING ORDER]**

10 **UNITED STATES OF AMERICA,**

11 Plaintiff,
12
vs.
13 LEON BENZER, et al.,
14 Defendants.

15 **CAPITAL ONE, NATIONAL
16 ASSOCIATION, et al.,**

1 Counter-Claimants/Cross-
2 Claimants,

3 vs.

4 UNITED STATES OF AMERICA, et al.,

5 Counter-Defendants/Cross-
6 Defendants

7 Capital One, National Association (“Capital One”); Rocktop Partners, LLC
8 (“Rocktop”); Wilmington Savings Fund Society, FSB, as Trustee of Stanwich Mortgage
9 Loan Trust A (“Wilmington”); SFR Investments Pool 1, LLC (“SFR”); the United States;
10 and Anthem Country Club Community Association (“Anthem”) (collectively, the
11 “Parties”) hereby stipulate to extend the dispositive motion deadline in this matter to
12 April 30, 2020. In support of this stipulation, the Parties state as follows:

13 1. From March 2018 to May 2019, these consolidated cases were stayed
14 while the Court awaited certain case law developments and while the Parties
15 conducted a settlement conference. ECF Nos. 87-88, 91, 109-110, 127, & 136-138.
16 Ultimately, settlement negotiations were unsuccessful.

17 2. On May 24, 2019, the Court entered a new scheduling order that set a
18 discovery cutoff of August 22, 2019, a dispositive motion deadline of September 23,
19 2019, and a pretrial order deadline of October 23, 2019. ECF No. 144.

20 3. On August 19, 2019, Capital One, SFR, Anthem, and the United States
21 filed a Stipulation to Extend Discovery Cutoff, Dispositive Motion Deadline, and
22 Pretrial Order Deadline. ECF No. 162. The stipulation was based upon several
23 pending motions that would affect planned depositions. The Court partially granted
24 the stipulation by extending the dispositive motion deadline to December 23, 2019 and
25 extending the pretrial order deadline to January 22, 2020. ECF No. 169.

26 4. At the October 21, 2019 hearing, the Court ordered that Rocktop and
27 Wilmington be joined as parties because Capital One had transferred its interest in the

1 2005 loan involved in this matter to Rocktop and had transferred its interest in the
2 2007 loan involved in this matter to Wilmington. ECF No. 214.

3 5. On November 25, 2019 a Rule 30(b)(6) deposition of Capital One was held.
4 During the deposition, a dispute arose as to whether the witness was prepared to testify
5 about certain topics in the deposition notices issued by SFR and the United States.

6 6. To allow the Parties time to hold a second deposition, the Parties
7 requested and obtained a further extension of the dispositive motion deadline to
8 February 28, 2020. ECF Nos. 230-231.

9 7. The second deposition was held on January 15, 2020. During and after
10 the deposition, a dispute arose as to various issues, including (1) whether the witness
11 was adequately prepared to testify about certain policies and procedures of Capital
12 One; (2) whether the witness was adequately prepared to testify about certain entries
13 in Capital One's servicing records, and whether there are additional servicing records
14 that should be produced; (3) whether the desired testimony was relevant and
15 proportional to the needs of the case; and (4) the degree to which the parties had
16 previously communicated or reached agreement on these issues.

17 8. The Parties are exploring potential resolutions of this dispute, including
18 a stipulation as to relevant facts, a stipulation as to the admissibility or inadmissibility
19 of relevant documents, and a third deposition.

20 9. If the Parties are unable to resolve the dispute, they expect that a motion
21 to compel and a cross-motion for protective order will be filed.

22 10. At this time, the Parties request that the Court extend the dispositive
23 motion deadline to April 30, 2020.¹

24 11. Good cause exists for the requested extension because it will allow the
25 Parties to finish attempting to resolve their dispute, to hold any further depositions,
26 and to litigate any necessary motions in the event they cannot resolve the dispute.

27 1 Pursuant to LR 26-1(b)(5), if dispositive motions are filed, the joint pretrial order
28 deadline is suspended until 30 days after decision on the dispositive motions or further court order.

1 Dated: February 14, 2020.

<p>2 BALLARD SPAHR LLP</p> <p>3 By: <u>/s/ Matthew D. Lamb</u></p> <p>4 Abran E. Vigil 5 Nevada Bar No. 7548 6 1980 Festival Plaza Drive, Suite 900 7 Las Vegas, Nevada 89135</p> <p>8 Matthew D. Lamb 9 Nevada Bar No. 12991 10 1909 K Street NW, 12th Floor 11 Washington, D.C. 20006</p> <p>12 <i>Attorneys for Capital One, National 13 Association; Rocktop Partners, LLC; 14 and Wilmington Savings Fund 15 Society, FSB, as Trustee of Stanwich 16 Mortgage Loan Trust A</i></p>	<p>1 KIM GILBERT EBRON</p> <p>2 By: <u>/s/ Diana S. Ebron</u></p> <p>3 Diana S. Ebron 4 Nevada Bar No. 10580 5 Jacqueline Gilbert 6 Nevada Bar No. 10593 7 Karen L. Hanks 8 Nevada Bar No. 9578 9 7625 Dean Martin Drive, Ste. 110 10 Las Vegas, Nevada 89139</p> <p>11 <i>Attorneys for SFR Investments Pool 12 1, LLC</i></p>
<p>12 LIPSON, NEILSON, COLE, SELTZER & 13 GARIN, P.C.</p> <p>14 By: <u>/s/ Janeen V. Isaacson</u></p> <p>15 J. William Ebert 16 Nevada Bar No. 2697 17 Janeen V. Isaacson 18 Nevada Bar No. 6429 19 9900 Covington Cross Dr., Ste. 120 Las Vegas, Nevada 89144</p> <p>20 <i>Attorneys for Anthem Country Club 21 Community Association</i></p>	<p>12 RICHARD E. ZUCKERMAN</p> <p>13 Principal Deputy Assistant Attorney 14 General</p> <p>15 By: <u>/s/ E. Carmen Ramirez</u></p> <p>16 E. Carmen Ramirez 17 Trial Attorney, Tax Division 18 U.S. Department of Justice 19 P.O. Box 683 Washington, DC 20044</p> <p>20 <i>Attorneys for United States</i></p>

21 IT IS SO ORDERED:

22 
23 UNITED STATES MAGISTRATE JUDGE

24 DATED: February 18, 2020

CERTIFICATE OF SERVICE

I certify that on February 14, 2020, I electronically filed the foregoing **Stipulation to Extend Dispositive Motion Deadline**. The following parties will be served electronically:

Diana Cline Ebron
Jacqueline A. Gilbert
Karen L. Hanks
KIM GILBERT EBRON
7625 Dean Martin Drive, Suite 110
Las Vegas, NV 89139

Counsel for SFR Investments Pool 1, LLC

J. William Ebert
Janeen Isaacson
LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.
9900 Covington Cross Drive, Suite 120
Las Vegas, NV 89144

*Counsel for Anthem Country Club
Community Association*

E. Carmen Ramirez
Trial Attorney, Tax Division
U.S. Department of Justice
P.O. Box 683, Ben Franklin Station
Washington, D.C. 20044

Counsel for United States of America

/s/ L. Blaschko
An Employee of Ballard Spahr LLP